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June 20, 2023

VIA E.C.F.

Honorable Paul A. Engelmayer
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 11201

Re: Andrew Moss v. the City of New York, et al., 23 Civ. 01632

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendant the City of New York ("City") in the above referenced matter. The City writes in accordance with the Court's May 18, 2023 Order to provide a status update concerning the status of the ongoing Department of Correction investigation into the underlying incident.

By way of relevant background, on May 18, 2023, the Court stayed this action "until 30 days after the conclusion of the pending Department of Correction ('DOC') investigation" and noted that, *inter alia*, a "status update is due from the City every 30 days, apprising the Court of the progress of the investigation. The first status update is due June 20, 2023." (See Dkt. No. 11.)

Accordingly, the City respectfully notes that, upon information and belief, the investigation is still open. The City will provide its next update to the Court in 30 days, *i.e.*, by July 20, 2023.

The City thanks the Court for its time and consideration.

Respectfully submitted,

/s/ Nicolette Pellegrino

Nicolette Pellegrino
Assistant Corporation Counsel
Special Federal Litigation Division

CC: VIA E.C.F.
Sara Wolkensdorfer, Esq.
Attorney for Plaintiff

The Court appreciates this update from the parties. The next status update is due July 20, 2023.

SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER
United States District Judge
June 21, 2023